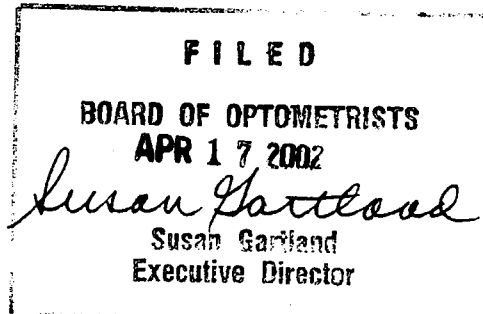


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF OPTOMETRISTS

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IN THE MATTER OF A DISCIPLINARY  
ACTION AGAINST THE LICENSE OF

NORMAN CHOPP, O.D.  
License No.OA4822

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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: Administrative Action  
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:  
: FINAL DECISION AND ORDER  
: AFTER UPL EXPLANATION  
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This matter was opened to the New Jersey Board of Optometrists (hereinafter the "Board") upon the receipt and investigation of an advertisement for Vincent J. Rizzo Guild Optician appearing in the December 6, 2001 issue of the Bernardsville News entitled "We now offer Eye Exams" and listing "Dr. Norman Chopp," the Respondent (hereinafter "Respondent").

The advertisement revealed probable violations of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4 which provide that any person practicing optometry and advertising optometric materials and services shall not use the term "Dr" without qualifying it with the designation O.D., Optometrist, Doctor of Optometry or Optometric Physician.

On February 7, 2002, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to Respondent setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying an aggregate civil penalty in the amount of \$500.00 reflecting the following:

1. A civil penalty of \$500.00 for the failure to include the designation O.D. , Optometrist, Doctor of Optometry or Optometric Physician in violation of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4.

Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing.

Waiving his right to a hearing, Respondent elected to submit a written explanation in which Respondent maintained he has been affiliated with Rizzo Guild Opticians as an Independent Doctor of Optometry since September 2001 and that he reviewed the rules and regulation of the State of New Jersey concerning the advertising of optometric services with Mr. Rizzo at length. Respondent also explained that he requested that Mr. Rizzo show him all ad copies in which his name appeared prior to going to print. In this instance, the respondent alleges that Mr. Rizzo failed to show him the ad for review and that this was "an error in omission and was not meant to mislead or misrepresent in any way." Additionally, Mr. Rizzo submitted a letter to the Board dated February 16, 2002 confirming that the omission of qualifier after Dr. Norman Chopp's name was a "totally unintentional omission."

At its meeting on March 20, 2002, the Board considered the Complaint and respondent's explanation and submissions. Accordingly, the Board finds that Respondent failed to conform with statutory and/or regulatory obligations as set forth in the U.P.L. and thus it concludes that the violations of N.J.S.A. 45:12-26 and N.J.A.C. 13:38-1.4 occurred. The Board determined that the optometrist is ultimately responsible for the material and content of all advertisements which include

his name and offer optometric services as set forth in N.J.A.C. 13:38-1.1. The lack of intent to mislead does not reduce this responsibility. Therefore, the Board reaffirmed the position taken in the U.P.L.

Based on the foregoing:

IT IS on this                      day of April    17<sup>th</sup> , 2002,

ORDERED that:

1.        Respondent shall pay to the Board of Optometrists a civil penalty in the total amount of \$ 500.00 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Optometrists and shall be delivered within ten (10) days of service of this order to Susan Garland, the Executive Director at the Board of Optometrists, P. O. Box 45012, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.

2.        Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE  
BOARD OF OPTOMETRISTS

By: 

Leonard Steiner  
President